



09-27-02

SEP X REFUND  
# 307.  
# 9112 for  
Refund  
04-11-03

Express Mail No.: EL 500 576 091 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rozhon et al.

Application No.: 09/712,033

Group Art Unit: 1651

Filed: November 14, 2000

Examiner: Marx, I.

For: ENTERIC FORMULATIONS OF  
PROANTHOCYANIDIN  
POLYMER ANTIDIARRHEAL  
COMPOSITIONS

Old Attorney Docket No.: 7032-073  
New Attorney Docket No.: 11133-004

**REQUEST FOR REFUND PURSUANT TO 37 C.F.R. §1.26**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: Finance Office, Refund Section

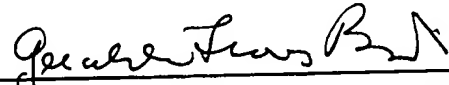
Sir:

A fee for a Petition for Extension of Time, of \$720.00, was paid on July 3, 2002. The Petition for Extension of Time was included along with a Petition Under 37 C.F.R. §1.137(b) To Revive Unintentionally Abandoned Application. Pursuant to the Decision on Petition under 37 CFR 1.137(b), Petitioner is requesting a refund of the above fee. A copy of the Decision is enclosed herewith.

Please refund the fee authorized in error by crediting \$720.00 to Pennie & Edmonds Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

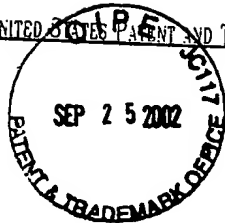
Date September 25, 2002

 31,232  
Geraldine F. Baldwin (Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090



UNITED STATES PATENT AND TRADEMARK OFFICE



REFERRED TO <i>Baldwin/Brvanlou</i> REC'D
SEP 18 2002
Pennie & Edmonds O.K. for filing

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Paper No. 6

PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-2711

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SEP 12 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of  
Rozhon, et al.  
Application No. 09/712,033  
Filed: November 14, 2000  
Attorney Docket No.: 7032-05811133-004-999  
For: ENTERIC FORMULATIONS OF  
PROANTHOCYANIDIN POLYMER  
ANTIDIARRHEAL COMPOSITIONS

This is a decision on the petition under 37 C.F.R. § 1.137(b),  
filed July 3, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be  
submitted within **TWO (2) MONTH** from mail date of this decision.  
Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The  
reconsideration request should include a cover letter entitled  
"Renewed Petition under 37 C.F.R. § 1.137(b)." This is not a  
final agency decision.

The application became abandoned June 19, 2001 for failure to  
timely file a proper response to the Notice to File Missing Parts  
of Nonprovisional Application ("Notice") mailed April 18, 2001.  
The Notice set a two (2) month shortened statutory period of time  
for reply. No extensions of time under 37 C.F.R. § 1.136(a) were  
requested. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be  
accompanied by: (1) the required reply to the outstanding Office  
action or notice, unless previously filed; (2) the petition fee  
as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the  
entire delay in filing the required reply from the due date for  
the reply until the filing of a grantable petition pursuant to 37  
C.F.R. § 1.137(b) was unintentional; and (4) any terminal  
disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required  
pursuant to 37 C.F.R. § 1.137(c).

The present petition lacks requirement (1) stated above.  
Petitioner has failed to submit a complete reply to the Notice.  
Petitioner has submitted the required fees, but has failed to  
submit an oath or declaration executed by all of the inventors  
named in the application.

While it is noted that petitioner has submitted a declaration  
executed by an officer of assignee, petitioner is advised that an  
oath or declaration executed by each inventor is required under  
37 C.F.R. § 1.63. If petitioner is of the belief that the  
inventors either cannot be reached or located or refuse to



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execute the oath or declaration, petitioner is advised to submit a petition under 37 C.F.R. § 1.47 along with the required petition fee and relevant evidence.

Pursuant to 37 C.F.R. § 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Petitioner may request a refund of the previously submitted petition for an extension of time fee of \$720.00 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

Petitioner is advised that this application remains ABANDONED.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box DAC  
Washington, DC 20231

By facsimile: (703) 308-6916

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy